

# CHURCH AND STATE

## A MONTHLY REVIEW



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APRIL, 1961

### Rockefeller Plan Unsatisfactory

In spite of several modifications, the Rockefeller tuition plan for New York's private colleges continued to be unsatisfactory to POAU leaders because of the possibility that it might be used for across-the-board grants to sectarian institutions. All New York chapters were alerted in March to engage in an education campaign informing citizens of the dangers involved in the plan. Three POAU mass meetings were addressed by Glenn L. Archer, Executive Director.

Governor Rockefeller's original plan, supported by the State Board of Regents, called for a general grant of \$200 to all private college students of the state, including students at church colleges, regardless of need or academic standing. The payments would have been essentially indirect subsidies to Catholic colleges, since nearly all sectarian colleges in New York State are Roman Catholic institutions, owned and controlled by religious orders.

#### Non-redemptive Change

When the plan was denounced as unconstitutional by the *New York Times*, the *New York Herald Tribune*, the *New York Post*, and many organizations including POAU, the American Jewish Congress, and the United Parents Association, the Governor modified the project to include only needy students. He also inserted an alleged "merit" test, to be defined and administered by the Board of Regents.

POAU and other organizations immediately raised the question whether the "merit" test would be a genuine competitive test free from political and sectarian favoritism. Otherwise, it was pointed out, a system of subsidizing sectarian colleges could be developed under the guise of a scholarship plan. The revised Rockefeller bill

### President Advocates School Aid: Church Schools Not Included

President John F. Kennedy has proposed a plan of federal aid to education from which any aid to church schools at the elementary and high school level has been omitted. His educational message declared: "In accordance with the clear prohibition of the Constitution, no elementary or secondary school funds are allocated for constructing church schools or paying church school teachers' salaries. . . ." The President's pronouncement drew the im-

mediate praise of Glenn L. Archer, executive director of POAU, who said that "the President's statement should settle the matter once and for all."

#### Widening College Aid

There were, however, church-state implications in the President's college aid proposals. Construction loans which hitherto had been confined to dormitories, would, under the President's plan, be widened to include practically any kind of college building. The plan also calls for a five-year program of scholarships receivable in the institution of the recipient's choice. These scholarships are to be awarded "on the basis of ability—as determined on a competitive basis—and financial need."

Mr. Archer at once called for the elimination of "any grants or loans for professional religious training or for seminary buildings." The Archer statement was also concerned with a feature of the plan which called for supporting grants to institutions chosen by recipients. While conceding that the scholarship to the student might not altogether compensate the school for his training, Mr. Archer insisted that "the distinction must be carefully preserved between genuine deficit appropriations to supplement scholarships, and individual grants to sectarian colleges. The latter would be against public policy and the Constitution."

#### Prospects

Prospects for passage into law of the complete Kennedy program are dim. The massive power of the Roman Catholic lobby will be thrown

(Continued on page 5)

contained inadequate safeguards and left the responsibility for screening applicants to the same Board of Regents which had favored the original across-the-board grants to sectarian institutions.



Gov. Rockefeller

The revised scheme was also attacked as unsatisfactory by both the *New York Times* and the *New York Post*, but was tentatively accepted by one group, the State Council

of Protestant Churches. Said the *New York Post*

By tying the scholarships to tuition costs and permitting the recipients to hand their prize money over to the bursars of sectarian schools, he (Governor Rockefeller) has merely juggled the amount of financial aid available to church-supported institutions. . . . there is no way of determining whether the Governor's plan will embody serious standards or whether it will simply narrow the base of an unconstitutional move.

#### Campaign Continues

POAU's educational campaign in New York is directed not only against the unconstitutional principles of the Rockefeller plan but against the Speno-Brennan bill which would make it compulsory for local school boards to finance parochial school buses, in some instances operating more than ten miles in distance from home to school.

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• Editorials •

## Eight Years to Doom?

Eight years may be the tragic number. The number eight loomed ominously in Paul Blanshard's address to a capacity audience in Constitution Hall, Washington, D.C., last January. Mr. Blanshard was discussing the standard Catholic proposals for subsidies to church colleges and parochial schools by the indirect method of tuition grants to their students.

He reminded his hearers that Roman Catholic subsidy drives in France began with exactly this same maneuver. After sustained agitation by the French bishops and their followers the first break in the French wall of separation was effected. In 1951 parents of children in Catholic schools received "personal" grants for education which were then paid in to the priests for the operation of these parochial institutions. Then, *eight years later*, the bishops won it all. DeGaulle and his clerical allies granted direct appropriations for Roman Catholic schools. *Eight years*.

Now many people suppose that if indirect subsidies are granted here to students for Catholic schools that this will satisfy the bishops' demands. In France exactly the opposite was the case. The initial success did not abate but greatly stimulated the sectarian demands.

### Subsidy Time-Table

There can be no doubt that events would take a similar course here. If any such program as that favored by Governor Rockefeller should pass the Legislature and stand the test of the courts, this would be the first great breach in the wall of separation. Catholic Action, inspired and emboldened by this success, would drive harder than ever to achieve the next big break and the final destruction of the wall. They might try to do it in eight years. Those who defend the wall would hope to hold it longer, but. . . .

Man's age-old struggle against the tyranny of Catholic subsidies discloses this pattern again and again. Once the first break has come, subsequent breaks come not less but more easily. If indirect subsidies are granted can direct subsidies be far away? Those who defend the nation's heritage in church and state may find themselves battling on increasingly difficult terrain, while those who seek

its destruction gain new vantage points within the redoubt. Now—not eight years from now—is the time to marshal the forces for separation.

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## For a Principle

One sentence particularly in the reaction of Glenn L. Archer to the message on federal aid to education by President Kennedy deserves comment here. Mr. Archer said: "We congratulate the President for declaring that federal aid to church schools at the elementary and secondary levels is unconstitutional. This is the kind of loyalty to campaign pledges which we admire."

There should be neither surprise nor disapproval of such a statement. POAU stands for a principle. We stand for the preservation of separation of church and state at the money line. Many people do not understand this. We are not primarily concerned with the religion of candidates or with their politics in general. What we are concerned with is church-state separation.

When our public officials support this principle we have praise for them. When they show a willingness to scuttle this principle we are against them. That is all there is to it.

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## Ourselves and Italy's Surplus

POAU has never taken an official position concerning increased immigration from European countries to the United States since immigration is not primarily a church-state issue. It so happens that the Roman Catholic Church is at the present time the most vigorous champion in clerical circles of increased immigration, but we have never denied the right of Catholics to bring in more Catholics if they can persuade Congress to lower our present immigration barriers.

However, there is one aspect of immigration which, we believe, concerns the principles for which POAU has always stood. We have championed the right of all people to practice birth control if they wish. We have protested against suppression of that right by Catholic political power in Catholic countries.

Now, we think it is fair to ask: Why should America absorb the surplus population from those Catholic countries which deny birth control knowledge to their own people? Why

should our country be the dumping ground for nations which are irresponsible concerning their own population explosions because of Catholic dictatorship?

The United States is already growing in net population increase year by year at a rate faster than that of India. President Kennedy estimates that our population will be 300,000,000 in forty years, almost double the present population. Millions of workers are unemployed and looking for work. Meanwhile Italy, which would be the chief beneficiary of a new immigration policy, is producing an enormous surplus of population each year partly because of the power of the Catholic Church over the most ignorant segment of the Italian masses. Any welfare agency in Italy which attempts to provide birth control information for the poor can be charged with a crime, under a penal code which was adopted through Catholic pressure. In a sense, Italy's present surplus of population is a direct product of clerical interference with personal freedom.

Under these circumstances we believe that Congress should refuse to increase the quota of any nation which prohibits birth control. This would not exclude Catholics as Catholics, Protestants as Protestants, or Jews as Jews; but it would prevent the United States from becoming the victim of Catholic population policy.

### Church and State

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CHURCH AND STATE



## NEWS From Far and Near

◆ Although reports from India indicate a small rise in Indian national income in 1960, population has still increased faster than production and hence there has been a decline in per capita income. The government proposes to devote \$50 million for support of 1,897 birth control clinics throughout the country. The Indian ambassador to the U.S. has suggested that U.S. aid for this would be welcome.

◆ The Little Sisters of the Poor, a French Roman Catholic sisterhood known for its public begging for funds, has been banned from Tunisia. This order has been the sole religious group authorized to solicit at the Pentagon and other defense centers in Washington, D.C. for more than a decade.

◆ Informed that Dr. Franklin Clark Fry, head of Lutheran World Relief, had suggested abandonment of long-term church distribution in favor of government-to-government distribution of relief in foreign aid programs, President Kennedy replied that he would be "very reluctant to abandon private agencies because they have done a first-class job in assisting us to get this food out."

◆ Cardinal Luis Concha Cordoba, Roman Catholic primate of Colombia, has publicly acknowledged that some priests have acted "unwisely" in their relations with Protestant clergy in that country. He declared, however, that their actions represented a "natural reaction" to Protestant insults to the Catholic religion. (In conversations with C. Stanley Lowell, associate director of POAU, in 1959, the Colombian archbishop ascribed the anti-Protestant incidents to the aggressiveness of Protestant "proselytism.")

◆ Another French priest, Bishop Paul Sanson Jean Marie Robert, has been expelled from his diocese as a result of anti-clerical demonstrations in the predominantly Negro Roman Catholic country of Haiti. The government of President Duvalier and the Vatican have reached a stalemate in negotiations over renewal of a 100-year concordat which expired in 1960.

◆ An effort to secure federal subsidies to parochial schools in Florida has been supported by pleas that only thus can the many Cuban refugee children receive an adequate education. State superintendent of public schools, Thomas D. Bailey has suggested extension of federal aid programs to parochial schools in the area and Senator Kenneth B. Keating (R., N.Y.) backed by Catholic prelates and the diocesan press, has written to President Kennedy complaining of "discrimination" if the Catholic schools there do not receive federal aid.

◆ A dispatch from Rome by Paul Hofmann, "New York Times" correspondent, indicates Vatican concern over the rapidly increasing Communist strength in that metropolis. Despite the concentration of thousands of priests in Rome, parishes in the expanding suburbs are said to be without adequate pastoral leadership. One-third of Rome's voters cast their ballot for Communist parties in the last election and a substantial rise in this vote is expected.

◆ Spanish officials have recently allowed one Baptist church in Seville to reopen after a long period of suppression. However, more than 20 Protestant churches in Spain are still closed by order of the Franco dictatorship which works in close cooperation with the state's official Roman Catholic Church.

◆ New appropriations for "Christian leadership" in the Armed Forces have recently been made which go beyond ordinary grants for chaplains. They include \$52,000 for Catholic work, \$65,000 for Protestant programs (chiefly Sunday school training and curriculum materials) and \$35,000 for Jewish work. Allegedly the appropriations are made for improving the efficiency of religious training for families located at Armed Forces bases in the United States.

◆ Complaints have been raised in Canada that the nation's role in advocacy of international birth control programs is stymied by Canada's own antiquated birth control law. Section 150 (2) (c) of the Criminal Code reads: "Everyone commits an offense who offers to sell, advertises, publishes an advertisement of, or has for sale or disposal any means, instructions, medicine, drug or article intended or represented as a method of preventing conception."

◆ The Department of Agriculture reports that during the last six months of 1960 surplus food which had cost \$95,700,000 was given for overseas donations by religious and charitable organizations. This represented an increase of one-third over the '59 period.

## The Sisters of Charity's \$48 Million Property Disputed

The Sisters of Charity of the Incarnate Word, whose World Mother House is in San Antonio, Texas, have filed a petition in a San Antonio court to prevent the county from constructing its proposed North Expressway through their property.

The 200-acre property, part of which is in the way of the Expressway, includes an area on which the Sisters say that they wanted to build a parochial school. A \$3.5 million public bond issue for the highway is being held up pending the decision whether to pay the nuns severance damages for what they value their property, or relocate or abandon the highway.

The nuns claim to have paid \$295 in taxes last year on 61 of the 200 acres, these 61 acres being assessed at a value of \$11,830. They have set a minimum valuation of \$23 million on their entire 200 acres, and a "realistic valuation" of \$48 million.

Their attorney, Patrick Maloney, says that "we are shocked and hurt, but not surprised (at the) public statement (charging) that the Sisters of Charity are concerned with the money, rather than the principles of the issues. . . . The money never has and never will be the issue."

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## Lutherans Dubious of Aid; See Church-State Dangers

Growing doubt and apprehension regarding federal aid to church institutions has been indicated in a statement by the National Lutheran Council presented by its executive director, Paul C. Empie. The statement did not rule out state aid in every instance, but did seek close restrictions regarding its acceptance. Concerning Hill-Burton funds for construction of church hospitals, Dr. Empie urged his colleagues to "make every effort to finance their hospitals completely with their own resources and other voluntary contributions."

When public funds are accepted Dr. Empie pointed out that the hospital then becomes a "quasi-public institution." In cases of conflict between denominational doctrine and the views of a patient or physician using the facilities, Dr. Empie declared that "the church has accepted public tax funds for the construction of hospital facilities (which should) prohibit it legally and morally from imposing sectarian policies or any form of sectarian pressure upon persons of another faith."

### Who Uses Whom?

The Hill-Burton statement concluded with the observation that "it is tempting for government to use the church . . . because such use may save the tax payer's money. . . . (or) make such religious groups a kind of 'front.' At the same time it may be even more tempting for religious groups to use public funds as means whereby sectarian witness . . . can be extended beyond the scope which would otherwise be possible."

In regard to distribution of surplus commodities abroad Dr. Empie's doubts were even more pronounced. While recognizing that in emergency situations any kind of expeditious distribution is good, the statement questioned the wisdom of long-term distribution programs under sectarian auspices. "When religious groups become agents in the process (of distribution)," he said, "it is difficult to determine that public resources are not being used for sectarian purposes and that religious groups are not simultaneously the instruments of political objectives. . . . The proposition that, in non-Christian countries like India or Taiwan for example, over a long period of time gifts for the needy from the 'People of the U.S.' should be channeled through

## McCormack for Parochial Loans; President Kennedy Opposes

As the Roman Catholic hierarchy closed ranks to defeat Federal aid to education again unless it included

aid for Catholic schools, some Catholic laymen had begun to feel the pressure. Rep. John W. McCormack (D. Mass.) majority leader of the House was among the first. Rep. McCormack, honored by the Pope with an award as papal Knight Commander of St. Gregory



Rep. McCormack

the Great (with Star), has a long history of endorsing special interest bills in Congress for the hierarchy. Samples of his handiwork are the 1956 bill which appropriated \$964,199.35 for repair and refurbishing of Castel Gondolfo, the Pope's summer palace, under a war damage claim.

Another of the many special interest Catholic bills for which Rep. McCormack was responsible was also passed in 1956. It provided some \$8,000,000 in war claims for Catholic schools and religious orders in the Philippine Islands. Now Rep. McCormack has announced that he will aid the bishops of his church to launch a program of Federal aid to their schools.

Faithfully following the bishops' line, Mr. McCormack spoused a program of long-term, low interest loans for construction of private schools. Taking a position in direct opposition to President Kennedy, Mr. McCormack insisted that there was no constitutional bar to "making long-term loans at reasonable rates of interest for the construction or the renovation or the repair of private schools." "I would clearly and definitely say that the provision of that kind is justified and I would support it," the Massachusetts Democrat added.

### One Unmoved

At least one of Mr. McCormack's co-religionists seemed singularly unaffected. President Kennedy at a press conference on March 8 not only stood by his opposition to public grants for sectarian schools at the elementary level but also opposed as unconstitutional any "loans across the board to non-public schools." He stood firm on his previous statement: "Aid to the (parochial) school—there isn't any room for debate on that subject. It is prohibited by the Constitution, and the Supreme Court has made that very clear. Therefore there was no possibility of our recommending it."

Senator Mike Mansfield (D. Mont.) majority leader of the Senate and also a Roman Catholic, sided with the President and said he would "do my best to support" his position. Prompt support for President Kennedy was forthcoming from the *Washington Post* which editorialized:

The question (Mr. McCormack) raises  
(Continued on page 8)

## Duty to Send Children To Catholic School

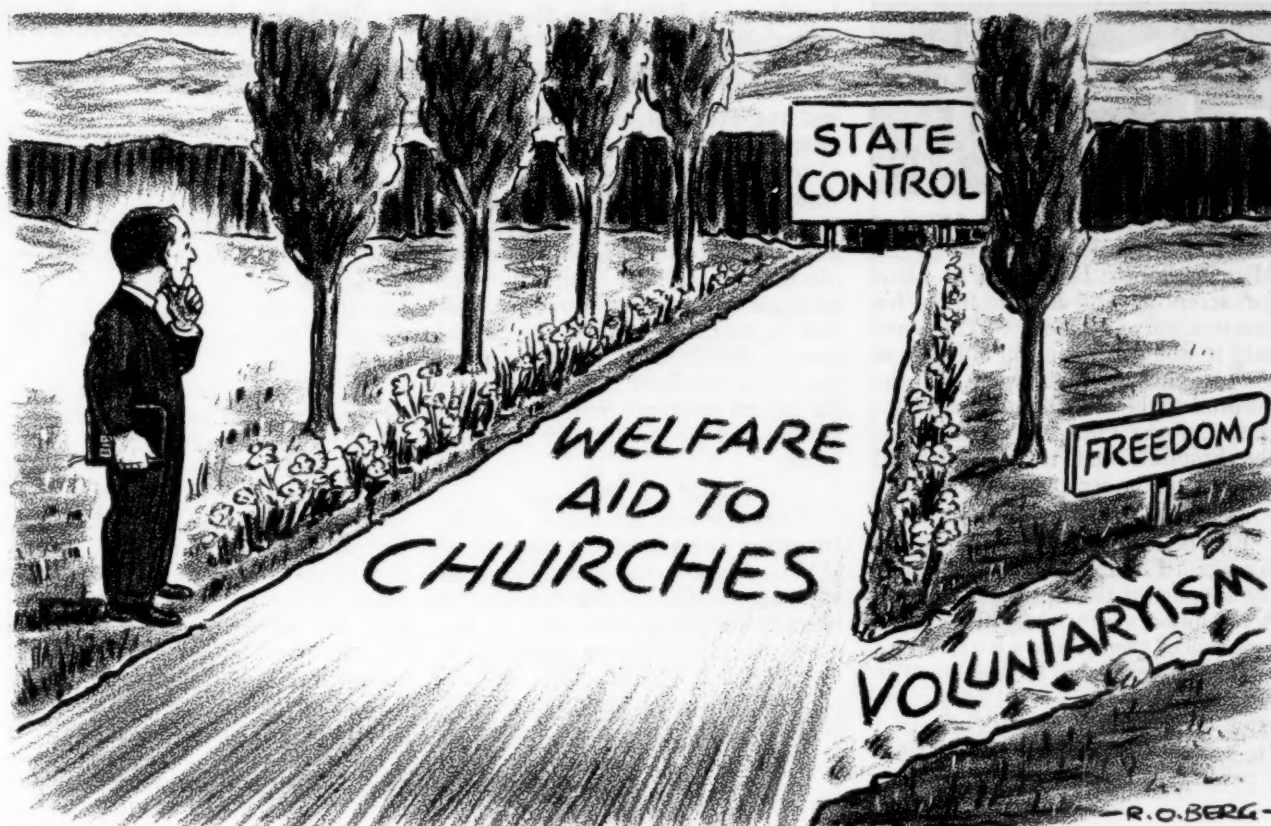
Are Catholic parents bound under pain of mortal sin to send their children to be educated in a Catholic school, where there is room in the school for them? If so, does this apply to children of mixed marriages? Hastings, N. Y.

Catholic parents and guardians have a grave obligation in conscience to send their children to Catholic schools, where they are available and there is room for them. It belongs to the bishop of the diocese, alone, to determine when departure from this law may be permitted and with what provisions the absence of religious instruction must be supplied, in accordance with the instructions of the Holy See. (Canons 1372, 1374). This law also includes children born of mixed marriages. The non-Catholic parties of these marriages promised on their word of honor to do this, before a dispensation from the impediment of mixed religion was granted by the bishop.

—The Sign, Sept. 1960

sectarian religious agencies, the parent bodies of which also conduct missionary operations in those same areas, is difficult to support."





BEWARE THAT NICE WIDE ROAD!

## POAU National Conference Draws Crowds in Portland

The 1961 National Conference of POAU drew large crowds to the First Baptist Church and the public auditorium in Portland, Ore. on Feb. 13 and 14. Daytime sessions in a 300-plus church auditorium were soon crowded out and the meetings were moved to the main church auditorium. This room, too, was thronged. Evening sessions comfortably filled the 3000-capacity public auditorium.

From the opening address to the clergymen's conference by Dr. Charles R. Bell, Jr. to the closing messages by Glenn L. Archer and Dr. Forrest C. Feezor, the sessions were serious and urgent. The conference theme, "Religion and Public Funds," was diligently explored by thirty-nine speakers and panels.

Two of the notable addresses—"Church Finances—Voluntaryism or Taxation" by Dr. Bell, and "The Image of Clericalism" by Elder R. R. Bietz are available from National POAU at 25c each.

The 1962 National Conference will be held in Chicago.



## Carlson on Federal Aid

If funds are accepted (by private institutions) in 1961, public policy will certainly control the institutions before 1971. The churches cannot both eat their cake and still have it. The freedom of the churches has always had a price tag—pay the cost.

—Dr. C. Emanuel Carlson, executive director Baptist Joint Committee on Public Affairs, trustee National POAU.

## We Double Our Size

Beginning with the June, 1961 issue the number of pages in the *Church-State Review* will be doubled. There will be no advance in membership or subscription rates, according to present plans. This may be a hazardous step in view of the greatly increased costs, yet we feel it is a necessary step.

The vast growth of POAU, the greatly increased scope and complexity of our legal program and the necessity of conveying to the public much church-state information not available in the press—these are the decisive considerations. Watch for the new Review in June—double the size of this issue.

## Kennedy for Public School Aid

(Continued from page 1)

against the program since it provides no direct subsidies for Catholic schools (See page 8). Senator Wayne Morse (D.Ore.) who heads the Senate committee that will handle the bill said that he would fight for it "as is." Some observers took this to mean that Sen. Morse would not renew his last year's attempt to include loans for construction of parochial schools.

As this went to press, Senator Joseph S. Clark, Jr. (D. Pa.) announced that he would introduce the loan amendment the Roman Catholic bishops had demanded. He indicated, however, that he might be willing to present it as a separate bill so that the President's aid to education program could be assessed on its own merits.

Rep. Adam Clayton Powell (D. N.Y.), chairman of the House Committee on Education and Labor, expressed approval of President Kennedy's program for education and said he would schedule hearings on it promptly. It is not certain whether he will again insist on tying a racial, no-discrimination amendment to it.



The executive board of Missouri Baptist Convention has criticized the Missouri Baptist Hospital in St. Louis for accepting Hill-Burton funds for construction of an addition. The board said it would recommend a break in the convention's relationship with the hospital if the federal funds were accepted. Joyce Pillsbury, speaking for the hospital, said that the federal funds would be accepted, nevertheless.

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Efforts to change New Hampshire's law against therapeutic abortion drew the support of the Episcopal Church. A resolution approved by the diocese pronounced therapeutic abortions "moral" if performed to save life. The Manchester Ministerial Association approved abortion if performed "to protect an expectant mother from a pregnancy that endangers her life."

\* \* \*

The Jersey City Association for Separation of Church and State has won the right to a trial on the merits of its suit seeking to block a \$475,000 city bond issue for improvements to the medical school of Seton Hall, a Roman Catholic university. The facilities belonging to Jersey City have been leased at a nominal rate to the school. The rental, paid only in part, was recently scaled down by the city council.

\* \* \*

Because he strictly enforced a 1959 school board policy against any kind of religious programs, including Christmas carols, in the public schools of Kalamazoo, Mich., superintendent Thomas R. Bowmen has been ousted from his post.

\* \* \*

The Rural Bible Mission, a Protestant group which teaches its faith in public schools has run afoul of parent protests because of its lunch hour classes in a Williamston, Mich. school. "If we're doing anything illegal we'll be the first to get out," a spokesman for the group said. The Rural Bible Mission has a long history of violations of separation of church and state in Michigan schools. It has refused to supply any statement of its program to POAU.

\* \* \*

Rep. Ernest D. Smith of the Maine

Legislature, a Republican who is also an ordained Nazarene minister, has introduced a bill which would make all church property subject to tax and the property of charitable and benevolent organizations as well.

\* \* \*

Nuns of Sancta Clara Adoration Monastery of Canton, Ohio have realized sufficient profits from their manufacture of artificial fishing lures to establish a new monastery which will also be another branch of their business in Birmingham, Ala. The order has never divulged whether it pays the federal corporate profits tax on its income that competitors are required to pay.

\* \* \*

Maine Citizens for Public Schools, organized with the hearty approval of POAU chapters, has already secured approximately 1,000 signatures in its fight to block any legislation at Augusta which would grant public funds for parochial school buses. MCPS plans a continuing campaign on this subject, before and after legislative hearings.

\* \* \*

In a recent Supreme Court decision (Times Film Corporation v. Chicago) the Supreme Court by a vote of 5 to 4 sustained the constitutionality of a Chicago statute which provides precursorship of pictures portraying "lack of virtue of a class of citizens of any race, color, creed, or religion and exposes them to contempt, derision, or obloquy." Could a clerically dominated police force move against "Martin Luther" under this ordinance?

## Rockefeller Plan

(Continued from page 1)

In criticizing the whole church-state pattern which has developed in New York state in recent years, Glenn L. Archer, Executive Director, declared: "It has been a pattern of creeping clericalism accompanied by pressure and fear. At Albany most legislators of both major political parties have been afraid to speak out against clerical pressure." Mr. Archer described the Speno-Brennan bill as "ambiguous and arbitrary," imposing an almost unbearable burden upon poor school districts.

As this went to press it appeared that Governor Rockefeller was determined to push the controversial tuition grant program through the legislature without even having the public hearings he had previously indicated would be held.

## Supreme Court Rejects Connecticut Bus Suit

Late in February the United States Supreme Court refused to review the Connecticut bus suit (*Snyder v. Newtown*) and dismissed the appeal "for want of a substantial Federal question." The suit concerned the constitutionality of a Connecticut law permitting the expenditure of public funds for bus transportation for sectarian schools.

The Supreme Court's action in effect endorses the previous ruling of the Court in the 1947 New Jersey case of *Everson v. Board of Education* in which by a vote of 5 to 4 the Court ruled that the use of public money for parochial school busses does not violate the *Federal* Constitution. Many states have stronger prohibitions against expenditures for sectarian purposes than the *Federal* Constitution, and the Supreme Court's ruling does not affect these stronger prohibitions. Approximately 20 of the 50 states of the United States now grant some funds for parochial school buses, but in many of these states there are strict limitations on distance, routes, etc.

The Supreme Court's new decision does not make it obligatory for any state or community to use public funds for sectarian bus transportation. The purely *permissive* ruling in the *Everson* decision is still the law of the land as far as Federal rights are concerned.

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## Federal Aid to Church Schools

Controversies over the nature and scope of government aid to church schools have frequently torn apart the fabric of public life in France, Belgium and other European countries. Our American pattern of church and state relationships has been comparatively happy and free of bitterness. It is hard to understand why any one would want to do anything to disturb it. . . . We have worked out pragmatically a tolerable compromise in which the child, but not the parochial school, can receive . . . aid. . . .

It is theoretically easy to extend this principle to paying for the books the child reads, the salaries of those who teach him and the buildings in which he learns. But everyone knows that, constitutional or unconstitutional, further aid of this kind gets into the sensitive area of religious beliefs. . . . Common sense and historical experience tell us it is best that government stay out of this area.

—William V. Shannon in the *New York Post*, Feb. 21, 1961.



## National Council Favors Birth Control; Opposes Tax Funds for Church Schools

America's largest Protestant federation, the National Council of Churches, meeting in Syracuse in late February, approved birth control as a human right for "responsible parenthood" and condemned the use of public funds for private and church-related schools at the elementary and high school level.

The Council's statement concerning tax support for parochial schools was the most important official utterance by the Council in favor of a policy which has long been championed by POAU. Constituent denominations affiliated with the National Council have supported this policy for many years.

The National Council's policy on birth control is in direct conflict with the policy of the Roman Catholic bishops of the United States on the same subject, announced on Thanksgiving Day 1959. The Catholic bishops then instructed all American Catholics to oppose government aid to birth control in both the United States and in foreign countries. The National Council's statement on the same subject said:

As Christians and citizens in a world society, we also have the responsibility to help our fellow men overseas. . . . At the request of people in other countries, we believe our Government and voluntary agencies have a duty to assist with various measures to alleviate population pressures and to extend family planning.

### Our Duty in Education

"Our first duty to the public school is not to pay taxes for its maintenance. We pay that tax under protest; not because we admit an obligation in justice. Justice cannot oblige the support of a system which we conscientiously hold to be bad in principle and bad in its ultimate consequences. . . .

"The first duty of every Catholic father to the public school is to keep his children out of it. The first duty of every Catholic American to education in general is to support the Catholic school. . . . we need not greatly concern ourselves with our duties to the public school until we have more closely approached the realization of the Catholic idea, 'Every Catholic child in a Catholic school.' "

—Father Paul L. Blakely, S.J., in *May An American Oppose the Public School?* The America Press, New York, p. 5 Imprimatur: Cardinal Hayes.

(Father Blakely was for many years the most prolific and important editor on the staff of the Jesuit magazine AMERICA.)

### "The Tuition Wedge" From Rockefeller to Spellman

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### Discrimination or Freedom?

No more unjust or discriminatory in fact is it to deny attendance at religious schools the cost of their transportation than it is to deny them tuitions, sustenance for their teachers, or any other educational expense which others receive at public cost. Hardship in fact there is which none can blame. But for assuring to those who undergo it the greater, the more comprehensive freedom, it is one written by design and firm intent into our basic law . . . the child attending religious school . . . forgoes exercising (his legal right to attend the public school) because the same guarantee which assures this freedom forbids the public school or any agency of the state to give or aid him in securing the religious instruction he seeks.

—Justice Wiley B. Rutledge dissent in *Everson v. Board of Education* (330 U.S. 1)

## Special Interest Bills

Every session of Congress there appears in the hopper a host of "special interest" bills. Some are minor in character but many have church-state angles. Some involve financial benefits to church institutions. Frequently they slip through because nobody bothers to examine or question them. A sampling of these bills (the number runs into hundreds) and also the name of the sponsor and the committee to which it has been referred, are indicated below:

H.R. 358, make tuition payments to religious schools tax deductible item. Ford, (R., Mich.), Ways and Means.

H.R. 238, make tuition or fees in private colleges and high schools tax deductible items. Laird, (R., Wis.) Ways and Means.

H.R. 288, same for elementary, secondary or college education, including private schools. Alford, (D., Ark.) Ways and Means.

H.R. 242, provide for cancellation of student loans for those who teach in private (parochial) schools as well as in public schools. Lesinski, (D., Mich.) Education and Labor.

H.Res. 26, that Republic of Ireland cover all the territory of the island. Fogarty (D., R.I.) Foreign Affairs.

H.Res. 89, Same. Lane, (D., Mass.) Foreign Affairs.

H.R. 3066, tax advantages for ministers of religion. Morrison, (D., La.), Ways and Means.

H.R. 289, authorize postmaster to bar from mails any literature calculated to produce ill-will by reason of . . . religion. Anfuso, (D., N.Y.) Post Office and Civil Service.

H.R. 3210, pay out of U.S. Treasury \$1,284 to Our Lady of the Lake Church, Mandeville, La. as refund for duty assessed on pipe organ. Boggs, (D., La.) Judiciary.

H.R. 2195, authorize Secretary of Interior to convey land without payment to Diocese of San Diego Education and Welfare Corp. of the Roman Catholic Church. Utt, (R., Calif.) Interior and Insular Affairs.

H.R. 2837, authorize Sec. of Agriculture to convey property owned by U.S. to Brigham Young University (Mormon). King, (D., Utah) Agriculture.

H.R. 118, admit 50,000 Italians, without regard to quota limitations. O'Neill, (D., Mass.) Judiciary.

S. 193, admit Rev. Patrick Floyd to U.S. for permanent residence. Morse, (D., Ore.) Judiciary.

H.R. 2185, for relief of Andrija Artukovic, notorious Nazi counter-revolutionary, for permanent residence. Utt, (R., Calif.) Judiciary.

H.R. 2158, 2159, 2161, for relief of Sisters Marie Bernard, Eucharia, and Mary Dulcis to grant permanent residence. Ray, (R., N.Y.) Judiciary.

H.R. 3005, for relief of Sister Mary Aurelia to grant permanent residence. St. George (R., N.Y.) Judiciary.

H.R. 2971, for relief of eight Roman Catholic nuns to grant permanent residence. Daddario (D., Conn.) Judiciary.

## Church Chorus Supports Spellman All Unite for Church Aid

Francis Cardinal Spellman, unofficial Roman Catholic primate of the United States, has received all but unanimous backing of the hierarchy and the Catholic diocesan press in his drive to overcome President Kennedy's opposition to federal aid to parochial schools and to include these institutions in the grants. Off at the crack of the prelate's gun, the entire corps of Catholic propagandists were sprinting toward the goal of federal subsidy for their church. Not a single Catholic leader spoke out against the drive.

The Archdiocese of New York publicly announced that it was taking as its own the statement of Bishop James J. Navagh which was ordered read in every church. The statement assailed any federal aid for public schools if Catholic schools were not included; Congress and the President were bluntly threatened: "We pay (the same) taxes as everybody else. We want the same benefits everyone else will receive. . . . We intend to use every legitimate way to insure that we get them."

Cardinal McIntyre was quick to sound an echo out on the west coast. He charged that the Kennedy recommendations discriminate against Catholic children "despite the fact that their parents pay taxes and must help share the \$10 billion scheduled to be spent . . . for aid to public education."

Next was Archbishop William O. Brady of St. Paul, Minn. He said: "Every bill proposed for federal aid till now has been discriminatory, unjust, unfair. So are the present suggestions." There followed Bishop Lawrence J. Shehan of Bridgeport who recently told the Supreme Court justices at a Red Mass how wrong they had been to hand down decisions denying subsidies to Catholic institutions. He said that the Kennedy program "denies even the least bit of help to 5,000,000 children in non-public elementary and secondary schools. They are excluded," he added, because their parents exercise their constitutional right by choosing for

them education other than the state."

This from Bishop Robert J. Dwyer: "There can be no doubt that if (federal aid) is to be a fixture of our internal policy, it must be administered without discrimination."

### And Others

There was no dearth of lesser lights to support the official Catholic line. Fr. Paul C. Reinert, president of St. Louis University, which recently purchased a handsome new campus site at a give-away price as part of an urban renewal program, asserted that his denomination's educational program "demands some responsibility on the part of organized government," and that "from this responsibility . . . the federal government has no escape."

Fr. Robert Drinan, dean of the law school at Jesuit Boston College, an open advocate of reversing the supreme court's repudiation of church subsidies, argued that parents would lose their "right to educate" their children in their faith unless public subsidies were paid to Catholic schools. David LaDriere, president of Citizens for Education Freedom, a Catholic Action group, urged persons of all faiths to join the fight against "discrimination in federal legislation for education." Msgr. John B. McDowell, parochial school superintendent of the Pittsburgh diocese, had a ready solution of the problem: "If federal funds are not given to all, none should have them."

### The Press, too

The Catholic press was no less faithful to the line. The Jesuit publication *America*, gave full support to what it described as "Cardinal Spellman's call for a measure of justice to parochial schools in the distribution of federal aid to education." The *Washington Catholic Standard* praised Cardinal Spellman's "precision of expression" and attacked the *Washington Post* for criticizing his position.

*Our Sunday Visitor* in a syndicated series objected to President Kennedy's proposals on the ground that "in violation of the constitutional guarantee of equal treatment under

## McCormack Opposes Kennedy on Parochial School Aid

(Continued from page 4)

seems to us a very simple one. Would such loans aid church schools? That would be, of course, their direct purpose, and it is precisely this granting of aid which the Court has said is forbidden by the First Amendment.

The *Post* added charitably: "It is difficult to believe that (Mr. McCormack) has ever read the opinions in the *Everson* case despite the President's specific reference to them."

### The Battle Is Joined

The *Washington Evening Star* was equally emphatic: "As for the Catholic hierarchy and such men as Mr. McCormack, they have every right to argue their constitutional case, but they are getting off on the wrong foot in threatening to seek the defeat of any and all public school aid unless similar aid is extended to private and parochial institutions as well."

Addressing himself to the bishops' demand for loans, C. Stanley Lowell, associate director of POAU, told a subcommittee of the Senate Committee on Labor and Public Welfare: **We hold that the use of public credit for the benefit of church schools falls squarely within the constitutional ban as the Supreme Court has consistently applied it, for, clearly, such a scheme would be making use of public taxes for religious establishment. A loan program for churches would be disapproved as unconstitutional. Why any less unconstitutional when the loan is to a school integrally owned and operated by Churches?**

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the law they make no provision for the . . . children who attend schools other than the public schools." The proposals were described as "callous." The *Register* and other diocesan papers featured a Catholic Welfare Conference story praising advocacy of Catholic school subsidies by the columnist, David Lawrence.

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